

11-19-04

1652



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shah et al
Serial No.: 10/035,918
Filed: 12/28/2001
Title: METHOD FOR FORMULATING A GLUCOSE OXIDASE ENZYME WITH A DESIRED PROPERTY OR PROPERTIES AND A GLUCOSE OXIDASE ENZYME WITH THE DESIRED PROPERTY

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as Express Mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 18, 2004.

By: _____

Richard Ruggiero
Richard Ruggiero

Commissioner for Patents
Alexandria, VA 22313
Sir:

We are transmitting herewith the attached:

- Information Disclosure Statement Transmittal (in duplicate)
- Form PTO/SB/08
- Cited References (7)
- Copy of European search report
- Return postcard
- Check in the amount of 180.00

Please charge any fees associated with this transmittal to Deposit Account No 50-0872. A duplicate of this sheet is enclosed.

Date: November 18, 2004
FOLEY & LARDNER LLP
2029 Century Park East
35th Floor
Los Angeles, CA 90067-3021
1-310-277-2223 Office
1-310-557-8475 Fax

By: _____

Ted Rittmaster
Name: Ted Rittmaster
Reg. No.: 32,933
TRR/rsr

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /Y.P./



Atty. Dkt. No. 047711-0293

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rajiv SHAH, et al.

Title: METHOD FOR FORMULATING
A GLUCOSE OXIDASE
ENZYME WITH A DESIRED
PROPERTY OR PROPERTIES
AND GLUCOSE OXIDASE
ENZYME WITH THE DESIRED
PROPERTY

Appl. No.: 10/035,918

Filing Date: 12/28/2001

Examiner: Yong D. Pak

Art Unit: 1652

CERTIFICATE OF EXPRESS MAILING
I hereby certify that this correspondence is being deposited with the
United States Postal Service's "Express Mail Post Office To
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Richard Ruggiero

(Printed Name)

Richard Ruggiero

(Signature)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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180.00 DP

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement..

FEE

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Date

November 18, 2004

FOLEY & LARDNER LLP
Customer Number: 23392
Telephone: (310) 975-7963
Facsimile: (310) 557-8475

Respectfully submitted,

By

Ted R. Rittmaster
Attorney for Applicant
Registration No. 32,933

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: November 18, 2004 <small>(use as many sheets as necessary)</small>		Application Number 10/035,918 Filing Date 12/28/2001 First Named Inventor Rajiv Shah et al Group Art Unit 1652 Examiner Name Yong D. Pak Attorney Docket Number 047711-0293	
Sheet	1	of	1

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A7	Valedes T I Et Al.: "In vitro and in vivo degradation of glucose oxidase enzyme used for an implantable glucose biosensor." DIABETES TECHNOLOGY & THERAPEUTICS. 2000 AUTUMN, vol. 2 no. 3, October 2000 (2000-10), pages 367-376, XP009039098 ISSN: 1520-9156 – Entire document	
	A8	European Search Report – European Application Number 02773635-4 dated November 4, 2004	

Examiner Signature	/Yong Pak/	Date Considered	03/26/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Office of Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231. /Y.P./